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Attorney for Defendant,
DOUGLAS MacMARTIN

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANE WIGINGTON dba
GEOENGINEERING WATCH,

Plaintiff,

vs.

DOUGLAS MacMARTIN fka DOUGLAS
MacMYNOWSKI; and DOES 1-10,
inclusive.

Defendant.

Case No.: 2:21-cv-02355-KJM-DMC

Hon. Kimberly J. Mueller

**STIPULATION AND ORDER TO
CONTINUE HEARING DATE AND
MODIFY BRIEFING SCHEDULE FOR
DEFENDANT DOUGLAS MACMARTIN's
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT PURSUANT TO FED. R.
CIV. P. 12(b)(2) AND 12(b)(6) AND
MOTION TO STRIKE PURSUANT TO
CALIFORNIA CODE OF CIVIL
PROCEDURE SECTION 425.16**

Current Hearing Date

Date: March 4, 2022

Time: 10:00 a.m.

Courtroom: 3, 15th Floor

New Proposed Hearing Date

Date: April 15, 2022

Time: 10:00 a.m.

Courtroom: 3, 15th Floor

Complaint filed: November 5, 2021

Removal Date: December 17, 2021

Pursuant to Local Rule 144(a) of the United States District Court for the Eastern District of California, Plaintiff Dane Wigington dba Geoengineering Watch (“Plaintiff”) and Defendant Douglas MacMartin (“Defendant”) (collectively, the “Parties”), have met and conferred and hereby submit the following Stipulation to continue the hearing date on Defendant’s Motion to Dismiss Plaintiff’s Complaint Pursuant to Fed.R.Civ.P. 12(b)(2) and 12(b)(6) and Motion to Strike Pursuant to California Code of Civil Procedure Section 425.16 (the “Motion”) and modify the briefing schedule on Defendant’s Motion.

RECITALS

WHEREAS, on November 5, 2021, Plaintiff filed a Complaint in the Superior Court of the State of California for the County of Shasta, Case No. SC RD CV-PO-21-0198510-000 [ECF 1-1 at Ex. A (Complaint)];

WHEREAS, on December 17, 2021, Defendant filed a Notice of Removal of Plaintiff’s lawsuit pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 [ECF 1];

WHEREAS, on December 21, 2021, counsel for the Parties met and conferred and stipulated that Defendant may have an extension of time from December 27, 2021 to January 24, 2022, for Defendant to answer or otherwise respond to the Complaint [ECF 5];

WHEREAS, on January 24, 2022, Defendant filed his Motion in response to Plaintiff’s Complaint and noticed the Motion for hearing on March 4, 2022 [ECF 6];

WHEREAS, on January 27, 2022, Defendant filed his Amended Declaration and Amended Memorandum of Points and Authorities in support of his Motion [ECF 10 and 10-1];

WHEREAS, on February 3 and 4, 2022, counsel for the Parties met and conferred and agreed to continue the hearing on Defendant’s Motion from March 4, 2022 to April 15, 2022, and to modify the briefing schedule under Local Rule 230 such that Defendant’s Opposition to the Motion shall be filed on or before March 18, 2022 and Plaintiff’s Reply to the Opposition shall be filed on or before April 8, 2022;

WHEREAS, this is the Parties’ first continuance of the hearing on Defendant’s Motion; and

WHEREAS, this Stipulation does not alter the date of any event or any deadline already fixed by Court order.

STIPULATION

Based upon the above recitals, the Parties, through their undersigned counsel, hereby stipulate as follows:

1. The hearing on Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed.R.Civ.P. 12(b)(2) and 12(b)(6) and Motion to Strike Pursuant to California Code of Civil Procedure Section 425.16 is continued from March 4, 2022 to April 15, 2022.

2. Plaintiff's Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to Fed.R.Civ.P. 12(b)(2) and 12(b)(6) and Motion to Strike Pursuant to California Code of Civil Procedure Section 425.16 shall be filed on or before March 18, 2022.

3. Defendant's Reply to Plaintiff's Opposition shall be filed on or before April 8, 2022.

Dated: February 8, 2022

SAMUEL C. WILLIAMS

By: /s/ Samuel C. Williams

Samuel C. Williams

Attorney for Plaintiff

Dane Wigington dba Geoengineering Watch

Dated: February 8, 2022

COZEN O'CONNOR

By: /s/ Andrew M. Hutchison

Andrew M. Hutchison

Attorneys for Defendant

Douglas MacMartin

ORDER

IT IS SO ORDERED.

DATED: February 9, 2022.


CHIEF UNITED STATES DISTRICT JUDGE